

DEVITT SPELLMAN BARRETT, LLP

ATTORNEYS AND COUNSELLORS AT LAW

50 Route 111

Smithtown, New York 11787

Phone: (631) 724-8833

Fax: (631) 724-8010

Email: info@devittspellmanlaw.com

THOMAS J. SPELLMAN, JR.
WILLIAM J. BARRETT
KEVIN M. SPELLMAN
JELTJE deJONG
DIANE K. FARRELL
FRANCIS J. TIERNEY
DAVID S. PALLAI
JOHN M. DENBY

Retired
JOSEPH P. DEVITT

DAVID H. ARNTSEN
ANDRE N. POULIS
KENNETH M. SEIDELL
LARRY M. SHAW

STEPHAN D. TRACE
KELLY E. WRIGHT
NICHOLAS M. BRINO
BRIAN S. CONDON
CHARLES W. BORGHARDT
JOSHUA S. SHTEIERMAN

Of Counsel
STEFANIE AFFRONTI

January 14, 2010

United States District Judge Arthur D. Spatt
United States District Court, E.D.N.Y.
814 Federal Plaza
Central Islip, New York 11722-4451

Re: Pace v. Vecchio
Docket No. CV – 08 – 3719

Dear Judge Spatt:

This firm represents the defendant in the above referenced matter. I am writing to confirm my conversation with Ms. Mary Ellen Schaffner that the parties hereto have settled this case which was scheduled for jury selection on Tuesday, January 19, 2010. Accordingly, I am requesting that the jury selection be cancelled. We intend to file a stipulation of discontinuance within forty-five days.

Thank you for the courtesies extended herein. Unless we hear otherwise from this Court, we will not be appearing in court on January 19, 2010.

Very truly yours,

DEVITT SPELLMAN BARRETT, LLP

/S/
Jeltje deJong (JD/4452)